

§308 Request for Information

Date: 9/24/2014

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)

Initials

Date

1. Phillips

AR

9/24/14

2. Mattox (Tracking)

AM

9/25/14

3. White/ HORSEY

Hand 9/25/14

HR

9/25/14

4. Suzanne Armor/OWLS

SKA

9/24/14

5. Ricks/ Diaz

RD

9/25/14

6. White (Mailing/e-filing)/ Mattox (Copy)

7. Enforcement Officer

	Action		File		Note and Return
X	Approval		For Clearance		Per Conversation
	As Requested		For Correction		Prepare Reply
	Circulate		For Your Information		See Me
	Comment		Investigate	X	Signature
	Coordination		Justify		

From: (Name, org. symbol, Agency/Post)

David Phillips / CWEB/MIES

Room No.—Bldg.

15

Phone No.
2-9773

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions.

REMARKS:

EPA is issuing this information request Oxford WWSB, which is the POTW system receiving a discharge from Kronospan, an industrial user permitted by ADEM that has been referred to USDOJ for enforcement. The aim is to investigate any pretreatment-related violations occurring since the referral over a year ago.

This letter uses the model pretreatment 308 approved by OWLS.

Electronic Version Saved on: T:\1 CWEB\Pretreatment\Enf-Comp\AL\Oxford, AL\Oxford WSB\Section 308 - Sept 2014\Oxford 308_sa_dp_092414.docx

Contacted State Agency: Yes

Who at State: Daphne Smart

9/25/14 @ 9:30am

Route in green folder

OPTIONAL FORM 41 (Rev. 1-94)

T:\1 CWEB\Administrative\Enf. Routing Slips\FY14 routing slips\CWA-NPDES §308 Request for Information



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SEP 26 2014

CERTIFIED MAIL 7010 1060 0002 1705 4273
RETURN RECEIPT REQUESTED

Mr. Wayne Livingston
General Manager
Oxford Water Works and Sewer Board
P.O. Box 3663
Oxford, Alabama 36203

Re: Information Request Pursuant to Section 308 of the Clean Water Act
National Pollution Discharge Elimination System Permit No.: AL0058408

Dear Mr. Livingston:

The purpose of this letter is to inform the Oxford Water Works and Sewer Board (OWWSB) that, pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, the U.S. Environmental Protection Agency Region 4 hereby requests that OWWSB provide the information set forth in Enclosure A within 45 calendar days of your receipt of this letter.

The OWWSB's response should be submitted to:

Mr. David R. Phillips
U.S. Environmental Protection Agency, Region 4
Clean Water Enforcement Branch
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

All information submitted must be accompanied by the following certification that is signed by a duly authorized company official in accordance with 40 C.F.R. § 122.22:

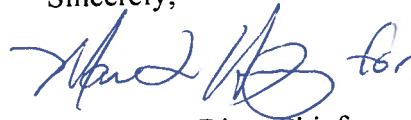
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Failure to provide a full and complete response to this Information Request or to adequately justify a failure to respond within the time frame specified above may result in an EPA enforcement action pursuant to federal law, including but not limited to the CWA, 33 U.S.C. § 1319 and 18 U.S.C. § 1001.

If OWWSB believes that any of the requested information constitutes confidential business information, it may assert a confidentiality claim with respect to such information, except for effluent data. Further details, including how to make a business confidentiality claim, are found in Enclosure B.

The EPA appreciates your prompt attention to this matter. Should you have any questions regarding this letter, please contact Mr. David Phillips at (404) 562-9773. Legal inquiries should be directed to Ms. Suzanne Armor, Associate Regional Counsel, at (404) 562-9701.

Sincerely,

A handwritten signature in blue ink, appearing to read "Denisse D. Diaz for".

Denisse D. Diaz, Chief
Clean Water Enforcement Branch
Water Protection Division

Enclosures

cc: Ms. Daphne Y. Smart
Alabama Department of Environmental Management

ENCLOSURE A

INFORMATION REQUEST PURSUANT TO SECTION 308 OF THE CLEAN WATER ACT

Instructions

1. Identify the person(s) responding to this Information Request.
2. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
3. Precede each answer with the text and the number of the Question and its subpart to which the answer corresponds.
4. All documents submitted must contain a notation indicating the Question and subpart of the Question to which they are responsive.
5. In answering each Information Request Question and subpart thereto, identify all documents and persons consulted, examined or referred to in the preparation of each response, and provide true and accurate copies of all such documents.
6. If information unknown or unavailable to you as of the date of your submission of a response to this Information Request should later become known or available to you, then you must supplement your response to the EPA. If you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, then you must notify the EPA as soon as possible.
7. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
8. Where specific information has not been memorialized in a document, but is nonetheless responsive to a Question, you must respond to the Question by providing the information in writing.
9. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained and their contact information.
10. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question or who may be able to provide additional responsive documents, then identify such persons, their contact information, and the additional information or documents that they may have.
11. The EPA requests that all documents provided in an electronic format be compatible with pdf.
12. The EPA requests that all spreadsheet information be in an electronic format and compatible with MS Excel.

13. If any Question relates to activities undertaken by entities other than the recipient of this Information Request, and to the extent that you have information pertaining to such activities, then provide such information for each entity.

Definitions

1. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in the Clean Water Act or its implementing regulations, in which case the statutory or regulatory definitions shall control.
2. Words in the masculine may be construed in the feminine if appropriate, and vice versa, and words in the singular may be construed in the plural if appropriate, and vice versa, in the context of a particular question or questions.
3. The terms "And" and "Or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed outside its scope.
4. The term "Identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
5. The term "Identify" means, with respect to a document, to provide its customary business description; its date; its number, if any (invoice or purchase order number); the identity of the author, addressee and/or recipient; and substance of the subject matter.
6. The term "Identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
7. The term "publicly owned treatment works" or "POTW" means the POTW and its associated devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes, as defined in 40 C.F.R. § 403.3(q), owned and/or operated by OWWSB located in Oxford, Talladega County, Alabama.
8. The term "wastewater treatment plant" or "WWTP" means the portion of the POTW known as the "Tull C. Allen Wastewater Treatment Plant," which is owned and operated by OWWSB and located at 2975 Silver Run Road in Oxford, Talladega County, Alabama.
9. The term "You" and "Your" shall mean OWWSB, as named in attached letter.
10. The term "Permit" shall mean National Pollution Discharge Elimination System (NPDES) Permit No. AL0058408 issued to OWWSB by the State of Alabama.
11. "Approval Authority" shall have the meaning set forth in 40 C.F.R. § 403.3(c).

Questions

1. Provide a timeline of any interference and/or pass-through event(s), as these terms are defined in 40 C.F.R. § 403.3, which the POTW's equipment that collects, transmits, or treats the non-domestic discharge(s) from Vista Metals Corporation has experienced since December 2012. For each such event, also provide:
 - a. The date/time the event began and ended, or was identified and corrected, and the equipment of the POTW system affected;
 - b. A discussion of the extent of the problems created for the POTW system, and/or the POTW's receiving waters;
 - c. A discussion of the investigation undertaken by the POTW to isolate the source(s), and any evidence which was collected and report(s) identifying the non-domestic source(s);
 - d. The POTW's NPDES permit narrative or numerical conditions violated due to the event;
 - e. A discussion/evidence of the actions the POTW has independently taken under its local authority to enforce or address the problems caused by the non-domestic discharge(s), and
 - f. Copies of any written notices given to the Approval Authority concerning the event or the investigative findings.
2. Provide a monthly monitoring summary of the POTW's permitted effluent limits for July and August 2014, identifying each pollutant monitored, flow, the type of sample (grab/flow-proportional/time-proportional), the permit limitation, and the resulting analyses/units. The EPA prefers that this summary be provided in an electronic spreadsheet format compatible with MS Excel.
3. Provide a summary of any isolated sampling conducted by the POTW of the Highway 202 lift station (that is principally receiving flow from industrial user Kronospan, LLC (Kronospan)) between December 1, 2012 and present, of the influent pipe to the Biolac basin that is transmitting that Kronospan flow to the WWTP, and from any independent monitoring by the POTW on the Kronospan property.

The summary should identify (for each sampling): the location being monitored that is identified above, the date sampled, the type of sample (grab/flow-proportional/time-proportional), the pollutant monitored, the analytical results and units, a description of the collection location, the analytical cost to the POTW, and whether the sampling was routine or non-routine and why. The EPA prefers that this summary be provided in an electronic spreadsheet format compatible with MS Excel.
4. Provide a list of all known non-domestic users, identifying:
 - a. Their name and street addresses;
 - b. Brief descriptions of their individual business operations;

- c. Their means of contributing to the WWTP (i.e., by a sewer connection or by land transport);
- d. Their estimated/actual average daily process flows; and
- e. Whether each such user has a permit to discharge to the POTW. If so, then for each such permit provide the permit number(s), effective date(s), duration(s), and identify the applied federal standards (e.g., 403, 433.17, etc.).

The EPA prefers that this list be provided in an electronic spreadsheet format compatible with MS Excel.

ENCLOSURE B

RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS

(40 C.F.R. Part 2)

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that the EPA is requesting from you. The EPA regulation relating to business confidentiality claims is found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, the EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, the EPA may make the information available to the public without any further notice to you.

40 C.F.R. § 2.203(b). **Method and time of asserting business confidentiality claim.** A business which is submitting information to the EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by the EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

